

IN THE DISTRICT COURT OF THE UNITED STATES

for the Western District of New York

**November 2018 GRAND JURY
(Impaneled November 2, 2018)**

THE UNITED STATES OF AMERICA

INDICTMENT

-vs-

Violations:

**TIMOTHY MYERS
a/k/a CJ Mikowski
a/k/a Patrick Mikowski
a/k/a Colin James**

Title 18, United States Code,
Sections 2251(a), 2252A(a)(2)(A),
2261A(2), and 2422(b)
(29 Counts)

COUNT 1

(Attempted Production of Child Pornography)

The Grand Jury Charges That:

On or about December 10, 2016, in the Western District of New York, and elsewhere, the defendant, TIMOTHY MYERS a/k/a CJ Mikowski a/k/a Patrick Mikowski a/k/a Colin James, did attempt to employ, use, persuade, induce, entice, and coerce a minor, that is, Victim 1, a person known to the Grand Jury, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce; knowing and having reason to know that such visual depiction would be transported and transmitted in and affecting interstate and foreign commerce; and which visual depiction would be produced and transmitted using materials

that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

COUNT 2
(Attempted Production of Child Pornography)

The Grand Jury Further Charges That:

On or about December 11, 2016, in the Western District of New York, and elsewhere, the defendant, TIMOTHY MYERS a/k/a CJ Mikowski a/k/a Patrick Mikowski a/k/a Colin James, did attempt to employ, use, persuade, induce, entice, and coerce a minor, that is, Victim 1, a person known to the Grand Jury, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce; knowing and having reason to know that such visual depiction would be transported and transmitted in and affecting interstate and foreign commerce; and which visual depiction would be produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

COUNT 3
(Attempted Production of Child Pornography)

The Grand Jury Further Charges That:

On or about December 13, 2016, in the Western District of New York, and elsewhere, the defendant, TIMOTHY MYERS a/k/a CJ Mikowski a/k/a Patrick Mikowski a/k/a Colin James, did attempt to employ, use, persuade, induce, entice, and coerce a minor, that is, Victim 1, a person known to the Grand Jury, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce; knowing and having reason to know that such visual depiction would be transported and transmitted in and affecting interstate and foreign commerce; and which visual depiction would be produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

COUNT 4
(Production of Child Pornography)

The Grand Jury Further Charges That:

On or about December 16, 2016, in the Western District of New York, and elsewhere, the defendant, TIMOTHY MYERS a/k/a CJ Mikowski a/k/a Patrick Mikowski a/k/a Colin James, did employ, use, persuade, induce, entice, and coerce, and attempt to employ, use, persuade, induce, entice, and coerce, a minor, that is, Victim 1, a person known to the Grand Jury, to engage in sexually explicit conduct for the purpose of producing a visual

depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce; knowing and having reason to know that such visual depiction would be transported and transmitted in and affecting interstate and foreign commerce; and which visual depiction was produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; which visual depiction was actually transported and transmitted using any means and facility of interstate and foreign commerce; and which visual depiction was actually transported and transmitted in and affecting interstate and foreign commerce.

All in violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

COUNT 5
(Receipt of Child Pornography)

The Grand Jury Further Charges That:

On or about December 16, 2016, in the Western District of New York, and elsewhere, the defendant, TIMOTHY MYERS a/k/a CJ Mikowski a/k/a Patrick Mikowski a/k/a Colin James, did knowingly receive child pornography, as defined in Title 18, United States Code, Section 2256(8), that is, images of Victim 1, a person known to the Grand Jury, that had been shipped and transported using any means and facility of interstate and foreign commerce, and that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(b)(1).

COUNT 6
(Production of Child Pornography)

The Grand Jury Further Charges That:

On or about February 5, 2017, in the Western District of New York, and elsewhere, the defendant, TIMOTHY MYERS a/k/a CJ Mikowski a/k/a Patrick Mikowski a/k/a Colin James, did employ, use, persuade, induce, entice, and coerce, and attempt to employ, use, persuade, induce, entice, and coerce, a minor, that is, Victim 1, a person known to the Grand Jury, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce; knowing and having reason to know that such visual depiction would be transported and transmitted in and affecting interstate and foreign commerce; and which visual depiction was produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; which visual depiction was actually transported and transmitted using any means and facility of interstate and foreign commerce; and which visual depiction was actually transported and transmitted in and affecting interstate and foreign commerce.

All in violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

COUNT 7
(Receipt of Child Pornography)

The Grand Jury Further Charges That:

On or about February 5, 2017, in the Western District of New York, and elsewhere, the defendant, TIMOTHY MYERS a/k/a CJ Mikowski a/k/a Patrick Mikowski a/k/a

Colin James, did knowingly receive child pornography, as defined in Title 18, United States Code, Section 2256(8), that is, an image of Victim 1, a person known to the Grand Jury, that had been shipped and transported using any means and facility of interstate and foreign commerce, and that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(b)(1).

COUNT 8
(Sexual Enticement of a Minor)

The Grand Jury Further Charges That:

Between on or about December 10, 2016 and on or about February 5, 2017, in the Western District of New York, and elsewhere, the defendant, TIMOTHY MYERS a/k/a CJ Mikowski a/k/a Patrick Mikowski a/k/a Colin James, using any facility and means of interstate and foreign commerce, that is, the internet, did knowingly persuade, induce, entice, and coerce, and attempt to persuade, induce, entice, and coerce, an individual who had not attained the age of 18 years, that is, Victim 1, a person known to the Grand Jury, to engage in sexual activity for which any person could be charged with a criminal offense.

All in violation of Title 18, United States Code, Section 2422(b).

COUNT 9
(Distribution of Child Pornography)

The Grand Jury Further Charges That:

On or about April 1, 2017, in the Western District of New York, and elsewhere, the defendant, TIMOTHY MYERS a/k/a CJ Mikowski a/k/a Patrick Mikowski a/k/a Colin James, did knowingly distribute child pornography, as defined in Title 18, United States Code, Section 2256(8), that is, an image of Victim 1, a person known to the Grand Jury, that had been shipped and transported using any means and facility of interstate and foreign commerce, and that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(b)(1).

COUNT 10
(Attempted Production of Child Pornography)

The Grand Jury Further Charges That:

On or about June 2, 2017, in the Western District of New York, and elsewhere, the defendant, TIMOTHY MYERS a/k/a CJ Mikowski a/k/a Patrick Mikowski a/k/a Colin James, did attempt to employ, use, persuade, induce, entice, and coerce a minor, that is, Victim 2, a person known to the Grand Jury, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce; knowing and having reason to know that such visual depiction would be transported and transmitted in and affecting interstate and foreign

commerce; and which visual depiction would be produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

COUNT 11
(Attempted Production of Child Pornography)

The Grand Jury Further Charges That:

On or about June 15, 2017, in the Western District of New York, and elsewhere, the defendant, TIMOTHY MYERS a/k/a CJ Mikowski a/k/a Patrick Mikowski a/k/a Colin James, did attempt to employ, use, persuade, induce, entice, and coerce a minor, that is, Victim 2, a person known to the Grand Jury, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce; knowing and having reason to know that such visual depiction would be transported and transmitted in and affecting interstate and foreign commerce; and which visual depiction would be produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

COUNT 12
(Attempted Production of Child Pornography)

The Grand Jury Further Charges That:

On or about June 18, 2017, in the Western District of New York, and elsewhere, the defendant, TIMOTHY MYERS a/k/a CJ Mikowski a/k/a Patrick Mikowski a/k/a Colin James, did attempt to employ, use, persuade, induce, entice, and coerce a minor, that is, Victim 2, a person known to the Grand Jury, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce; knowing and having reason to know that such visual depiction would be transported and transmitted in and affecting interstate and foreign commerce; and which visual depiction would be produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

COUNT 13
(Attempted Enticement of a Minor)

The Grand Jury Further Charges That:

Between on or about June 2, 2017, and on or about June 18, 2017, in the Western District of New York, and elsewhere, the defendant, TIMOTHY MYERS, a/k/a CJ Mikowski, a/k/a Patrick Mikowski, a/k/a Colin James, using any facility and means of interstate and foreign commerce, that is, the internet, did knowingly attempt to persuade, induce, entice, and coerce an individual who had not attained the age of 18 years, that is,

Victim 2, a person known to the Grand Jury, to engage in sexual activity for which any person could be charged with a criminal offense.

All in violation of Title 18, United States Code, Section 2422(b).

COUNT 14
(Attempted Production of Child Pornography)

The Grand Jury Further Charges That:

On or about June 6, 2017, in the Western District of New York, and elsewhere, the defendant, TIMOTHY MYERS a/k/a CJ Mikowski a/k/a Patrick Mikowski a/k/a Colin James, did attempt to employ, use, persuade, induce, entice, and coerce a minor, that is, Victim 3, a person known to the Grand Jury, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce; knowing and having reason to know that such visual depiction would be transported and transmitted in and affecting interstate and foreign commerce; and which visual depiction would be produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

COUNT 15
(Production of Child Pornography)

The Grand Jury Further Charges That:

On or about July 1, 2017, in the Western District of New York, and elsewhere, the defendant, TIMOTHY MYERS a/k/a CJ Mikowski a/k/a Patrick Mikowski a/k/a Colin James, did employ, use, persuade, induce, entice, and coerce, and attempt to employ, use, persuade, induce, entice, and coerce, a minor, that is, Victim 3, a person known to the Grand Jury, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce; knowing and having reason to know that such visual depiction would be transported and transmitted in and affecting interstate and foreign commerce; and which visual depiction was produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; which visual depiction was actually transported and transmitted using any means and facility of interstate and foreign commerce; and which visual depiction was actually transported and transmitted in and affecting interstate and foreign commerce.

All in violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

COUNT 16
(Receipt of Child Pornography)

The Grand Jury Further Charges That:

On or about July 1, 2017, in the Western District of New York, and elsewhere, the defendant, TIMOTHY MYERS a/k/a CJ Mikowski a/k/a Patrick Mikowski a/k/a Colin

James, did knowingly receive child pornography, as defined in Title 18, United States Code, Section 2256(8), that is, an image of Victim 3, a person known to the Grand Jury, that had been shipped and transported using any means and facility of interstate and foreign commerce, and that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(b)(1).

COUNT 17
(Production of Child Pornography)

The Grand Jury Further Charges That:

On or about August 25, 2017, in the Western District of New York, and elsewhere, the defendant, TIMOTHY MYERS a/k/a CJ Mikowski a/k/a Patrick Mikowski a/k/a Colin James, did employ, use, persuade, induce, entice, and coerce, and attempt to employ, use, persuade, induce, entice, and coerce, a minor, that is, Victim 3, a person known to the Grand Jury, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce; knowing and having reason to know that such visual depiction would be transported and transmitted in and affecting interstate and foreign commerce; and which visual depiction was produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; which visual depiction was actually transported and transmitted using any means

and facility of interstate and foreign commerce; and which visual depiction was actually transported and transmitted in and affecting interstate and foreign commerce.

All in violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

COUNT 18
(Receipt of Child Pornography)

The Grand Jury Further Charges That:

On or about August 25, 2017, in the Western District of New York, and elsewhere, the defendant, TIMOTHY MYERS a/k/a CJ Mikowski a/k/a Patrick Mikowski a/k/a Colin James, did knowingly receive child pornography, as defined in Title 18, United States Code, Section 2256(8), that is, an image of Victim 3, a person known to the Grand Jury, that had been shipped and transported using any means and facility of interstate and foreign commerce, and that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(b)(1).

COUNT 19
(Production of Child Pornography)

The Grand Jury Further Charges That:

On or about August 26, 2017, in the Western District of New York, and elsewhere, the defendant, TIMOTHY MYERS a/k/a CJ Mikowski a/k/a Patrick Mikowski a/k/a Colin James, did employ, use, persuade, induce, entice, and coerce, and attempt to employ, use, persuade, induce, entice, and coerce, a minor, that is, Victim 3, a person known to the

Grand Jury, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce; knowing and having reason to know that such visual depiction would be transported and transmitted in and affecting interstate and foreign commerce; and which visual depiction was produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; which visual depiction was actually transported and transmitted using any means and facility of interstate and foreign commerce; and which visual depiction was actually transported and transmitted in and affecting interstate and foreign commerce.

All in violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

COUNT 20
(Receipt of Child Pornography)

The Grand Jury Further Charges That:

On or about August 26, 2017, in the Western District of New York, and elsewhere, the defendant, TIMOTHY MYERS a/k/a CJ Mikowski a/k/a Patrick Mikowski a/k/a Colin James, did knowingly receive child pornography, as defined in Title 18, United States Code, Section 2256(8), that is, an image of Victim 3, a person known to the Grand Jury, that had been shipped and transported using any means and facility of interstate and foreign commerce, and that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(b)(1).

COUNT 21
(Enticement of a Minor)

The Grand Jury Further Charges That:

Between on or about June 6, 2017, and on or about August 26, 2017, in the Western District of New York, and elsewhere, the defendant, TIMOTHY MYERS a/k/a CJ Mikowski a/k/a Patrick Mikowski a/k/a Colin James, using any facility and means of interstate and foreign commerce, that is, the internet, did knowingly persuade, induce, entice, and coerce, and attempt to persuade, induce, entice, and coerce, an individual who had not attained the age of 18 years, that is, Victim 3, a person known to the Grand Jury, to engage in sexual activity for which any person could be charged with a criminal offense.

All in violation of Title 18, United States Code, Section 2422(b).

COUNT 22
(Attempted Production of Child Pornography)

The Grand Jury Further Charges That:

On or about July 2, 2017, in the Western District of New York, and elsewhere, the defendant, TIMOTHY MYERS a/k/a CJ Mikowski a/k/a Patrick Mikowski a/k/a Colin James, did attempt to employ, use, persuade, induce, entice, and coerce a minor, that is, Victim 4, a person known to the Grand Jury, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce; knowing and having reason to know that such visual depiction would be transported and transmitted in and affecting interstate and foreign commerce; and which visual depiction would be produced and transmitted using materials

that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

COUNT 23
(Attempted Enticement of a Minor)

The Grand Jury Further Charges That:

On or about July 2, 2017, in the Western District of New York, and elsewhere, the defendant, TIMOTHY MYERS a/k/a CJ Mikowski a/k/a Patrick Mikowski a/k/a Colin James, using any facility and means of interstate and foreign commerce, that is, the internet, did knowingly attempt to persuade, induce, entice, and coerce an individual who had not attained the age of 18 years, that is, Victim 4, a person known to the Grand Jury, to engage in sexual activity for which any person could be charged with a criminal offense.

All in violation of Title 18, United States Code, Section 2422(b).

COUNT 24
(Attempted Production of Child Pornography)

The Grand Jury Further Charges That:

On or about May 28, 2017, in the Western District of New York, and elsewhere, the defendant, TIMOTHY MYERS, a/k/a CJ Mikowski, a/k/a Patrick Mikowski, a/k/a Colin James, did attempt to employ, use, persuade, induce, entice, and coerce a minor, that is, Victim 5, a person known to the Grand Jury, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility

of interstate and foreign commerce; knowing and having reason to know that such visual depiction would be transported and transmitted in and affecting interstate and foreign commerce; and which visual depiction would be produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

COUNT 25
(Attempted Enticement of a Minor)

The Grand Jury Further Charges That:

On or about May 28, 2017, in the Western District of New York, and elsewhere, the defendant, TIMOTHY MYERS a/k/a CJ Mikowski a/k/a Patrick Mikowski a/k/a Colin James, using any facility and means of interstate and foreign commerce, that is, the internet, did knowingly attempt to persuade, induce, entice, and coerce an individual who had not attained the age of 18 years, that is, Victim 5, a person known to the Grand Jury, to engage in sexual activity for which any person could be charged with a criminal offense.

All in violation of Title 18, United States Code, Section 2422(b).

COUNTS 26-29
(Cyberstalking)

The Grand Jury Further Charges That:

Between and in or about the dates set forth below, the exact dates being unknown to the Grand Jury, in the Western District of New York, and elsewhere, the defendant, TIMOTHY MYERS a/k/a CJ Mikowski a/k/a Patrick Mikowski a/k/a Colin James, with

the intent to harass and intimidate another person, that is, the persons set forth below, who are known to the Grand Jury, did use an interactive computer service, an electronic communication service, an electronic communication system of interstate commerce, and a facility of interstate and foreign commerce to engage in a course of conduct that caused, attempted to cause, and would be reasonably expected to cause substantial emotional distress to such person.

COUNT	DATE	PERSON
26	Between in or about March 2017 and in or about April 2017	Victim 1
27	Between in or about April 2017 and in or about July 2017	Victim 2
28	Between in or about June 2017 and in or about August 2017	Victim 3
29	Between in or about June 2017 and in or about July 2017	Victim 4

All in violation of Title 18, United States Code, Sections 2261A(2)(B) and 2261(b)(5).

DATED: Buffalo, New York, April 23, 2019.

JAMES P. KENNEDY, JR.
United States Attorney

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A TRUE BILL:

S/FOREPERSON